

LABOR SERVICES DIVISION[875]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board amends Chapter 71, “Administration,” Chapter 75, “Fees,” and Chapter 76, “Permits,” Iowa Administrative Code.

Pursuant to 2008 Iowa Acts, Senate File 2154, construction personnel hoists will come under the jurisdiction of Iowa’s elevator safety program for the first time on July 1, 2008. In a separate rule making that will become effective on July 23, 2008, the Elevator Safety Board has adopted by reference an appropriate safety code for construction personnel hoists. Because construction personnel hoists differ significantly from other conveyances currently covered by Iowa Code chapter 89A, new rules governing permits, inspections and fees for construction personnel hoists are also needed.

These amendments establish fees for operating permits, alteration permits, installation permits, and inspections of construction personnel hoists. These amendments require owners of construction personnel hoists installed prior to July 1, 2008, to register their construction personnel hoists with the Labor Commissioner no later than July 23, 2008. These amendments set forth procedures for construction personnel hoist alteration permits, installation permits, and operating permits.

Pursuant to Iowa Code section 17A.4(2), the Elevator Safety Board finds that notice and public participation would be impracticable because the statutory change is effective July 1, 2008.

The Elevator Safety Board also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and these amendments should be made effective on July 23, 2008, as they confer a benefit by providing for orderly and timely implementation of 2008 Iowa Acts, Senate File 2154.

The Elevator Safety Board has also filed these same amendments under Notice of Intended Action as **ARC 6946B** to allow for public comment.

The principal reasons for adoption of these rules are to protect worker safety and health and to implement legislative intent. No variance provision is included in these rules as 875—Chapter 66 sets forth applicable variance procedures.

These amendments are intended to implement Iowa Code Supplement sections 89A.1, 89A.2 and 89A.9 as amended by 2008 Iowa Acts, Senate File 2154.

These amendments will become effective July 23, 2008.

The following amendments are adopted.

ITEM 1. Amend rule 875—71.4(89A) as follows:

875—71.4(89A) Registration of conveyances. The owner or authorized agent of each operable conveyance not previously registered shall register the conveyance ~~on or before December 31, 1982.~~ An application to install a new conveyance shall constitute registration ~~for all conveyances installed on or after January 1, 1983.~~ All registrations shall be submitted to the commissioner on forms available from the division of labor services and shall include all information requested by the labor commissioner. The registration for each construction personnel hoist installed prior to July 1, 2008, and in service on or after July 1, 2008, shall be completed no later than July 23, 2008, and shall include three copies of plans, drawings, or other engineering documents.

ITEM 2. Renumber subrule **75.1(4)** as **75.1(5)**.

ITEM 3. Adopt the following **new** subrule 75.1(4):

75.1(4) Construction personnel hoists.

a. Installation inspection and permit fees for construction personnel hoists installed on or after July 1, 2008, shall be \$500 if the completed construction personnel hoist is planned for four or fewer landings and \$600 if the completed construction personnel hoist is planned for five or more landings. This fee includes the initial inspection and first-year operating permit.

b. If the plans call for a construction personnel hoist to be extended to additional floors after it is initially put into service, each extension shall be considered an alteration. The cost for each alteration shall be \$150, and the installation permit for construction personnel hoists shall also serve as an alteration permit for each of the planned extensions as reported to the labor commissioner.

c. The fees established by paragraphs “a” and “b” of this subrule shall be remitted to the division of labor services when the installation permit application is filed.

d. If the construction personnel hoist does not comply at the time of inspection and has to be reinspected through no fault of the division of labor services, there shall be a reinspection fee of \$150 for each additional inspection.

e. Consultative inspections on construction personnel hoists may be performed at the discretion of the labor commissioner for a fee of \$100 per hour, including travel time, with a minimum charge of \$200.

ITEM 4. Amend rule 875—75.2(89A) as follows:

875—75.2(89A) Alterations.

75.2(1) Alteration inspection and permit fees shall be \$200 for alterations up to and including 25 percent; \$400 for alterations of 26 percent up to and including 50 percent; and the fee schedule for new installations shall apply for alterations over 50 percent. The alterations table in rule 875—76.7(89A) shall be used to determine the change percentage. These fees include initial inspection and the alteration permit fees.

75.2(2) If the alteration does not comply at the time of an acceptance inspection and has to be reinspected through no fault of the division of labor services, there shall be a reinspection fee of \$200 for each additional inspection.

75.2(3) ~~The~~ Except as described in subrules 75.2(4) to 75.2(6), the alteration inspection and permit fees shall be remitted to the division of labor services when the application is filed.

75.2(4) The alteration permit application fee and alteration inspection fee for construction personnel hoists installed after July 1, 2008, are included with the installation application fee as described in rule 75.1(89A).

75.2(5) For construction personnel hoists installed prior to July 1, 2008, and extended to additional floors on or after July 1, 2008, the combined fee for the alteration inspection and the alteration permit shall be \$150.

75.2(6) Consultative inspections associated with alteration permits may be performed at the discretion of the labor commissioner for a fee of \$100 per hour, including travel time, with a minimum charge of \$200.

ITEM 5. Amend subrule 75.3(2) as follows:

75.3(2) Tower elevator and construction personnel hoist inspections. The periodic (annual) inspection fee for tower elevators and construction personnel hoists shall be \$300. If the installation has to be reinspected through no fault of the division of labor services, there shall be a reinspection fee of \$300. Each consultative inspection fee is \$300.

ITEM 6. Adopt the following new subrule 76.2(11):

76.2(11) For a construction personnel hoist, the planned dates for the addition of floors to the range of the construction personnel hoist, and the number of additional floors to be added in each phase.

ITEM 7. Amend rule 875—76.3(89A) as follows:

875—76.3(89A) Alteration permit application —~~drawings and specifications~~. When application is made for an alteration permit, drawings and specifications of all changes to be made shall be submitted. For construction personnel hoists, if a complete installation permit application with blueprints was submitted to the labor commissioner, notice of intent to put additional floors into service shall be provided to the labor commissioner at least seven days in advance. For a construction personnel hoist installed prior to July 1, 2008, without an installation permit, a completed alteration permit shall be

submitted to the labor commissioner at least seven days before the construction personnel hoist is ready for inspection each time additional floors are added.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/16/08.